

BEFORE
THE BOARD OF SUPERVISORS
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA

ORDINANCE NO. _____

AN ORDINANCE ADDING CHAPTER 2.91 TO THE MADERA COUNTY
CODE, CREATING THE FRESNO—KINGS—MADERA REGIONAL
HEALTH AUTHORITY

The Board of Supervisors of the County of Madera, State of California, ordains
as follows:

SECTION 1

Chapter 2.91 is hereby added to Title 2 of the Madera County Code, to read in its
entirety as follows:

CHAPTER 2.91 FRESNO—KINGS—MADERA REGIONAL HEALTH AUTHORITY

2.91.010 Establish.

Pursuant to the Joint Powers Agreement into which the counties of Fresno, Kings, and Madera have entered under the provisions of the California Joint Exercise of Powers Act (Government Code section 6500 et seq.) and to California Welfare and Institutions Code Section 14087.38, there is created the Fresno—Kings—Madera Regional Health Authority. This Health Authority is a three-county regional health authority representing the counties of Fresno, Kings, and Madera. The Health Authority shall be established effective on that date that all three counties have in effect substantially similar ordinances creating the Health Authority and a quorum of the Health Authority's members have met to conduct its initial public meeting. Upon the establishment of the Health Authority, all of the rights, duties, privileges, and immunities vested in the County of Madera by Welfare and Institutions Code Sections 14087.38 et seq. (Part 3, Division 9, Chapter 7, Article 2.7) are instead transferred to and vested in the Health Authority, and shall continue to be so vested until the County of Madera formally terminates its participation in the Health Authority. The Health Authority shall continue to represent the County of Madera until the County of Madera formally terminates the representation. Any action to terminate representation shall be pursuant to the Joint Powers Agreement. In the event of termination, the County of Madera and the Health Authority shall give notice to the California Department of Health Care Services as set forth in Section 14087.38(v)(1).

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2.91.020 Purpose.

- A. The purpose of the Health Authority is to negotiate a contract with the California Department of Health Care Services and to arrange for the provision of health care services to qualifying individuals in Fresno County, Kings County, and Madera County, pursuant to Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code.
- B. The Health Authority shall design and operate a program or programs that:
- (1) Delivers primary care via a contracted provider network which significantly improves access to primary care and related specialty and ancillary services for enrolled Medi-Cal recipients;
 - (2) Includes mechanisms for assuring that Health Authority-financed medical care services meet appropriate quality of care standards;
 - (3) Incorporates a plan of service delivery and implements reimbursement mechanisms which will promote the long-term viability of a locally operated Medi-Cal managed care system and participating "Safety Net" providers, herein defined as Medi-Cal Disproportionate Share Hospitals, county clinics and licensed community and rural clinics;
 - (4) Implements a financial plan which includes the creation of a prudent reserve within three years of commencing operations, and which provides that if additional surplus funds accrue, they shall be used to expand access, improve benefits and augment provider reimbursement;
 - (5) Gives a high priority to increasing prevention, education and early intervention services for enrolled recipients;
 - (6) Ensures that all program obligations, statutory, contractual or otherwise, shall be the obligations of the program and shall not be the obligations of the participating counties or the State of California;
 - (7) Implements programs and procedures to ensure that a high level of member satisfaction is maintained.
- C. The Health Authority shall also be authorized to contract with public insurers, payors or plan sponsors to offer and/or administer their health care programs and to contract with private insurers or plan sponsors to administer their health care programs.

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2.91.030 Governing body, membership and terms of office.

- A. The Health Authority shall be governed by the Health Authority Commission ("Commission") which shall consist of seventeen (17) voting members, six (6) of whom shall be appointed by the Board of Supervisors of the County of Fresno, three (3) of whom shall be appointed by the Board of Supervisors of the County of Kings, three (3) shall be appointed by the Board of Supervisors of the County of Madera, and five (5) of whom shall be appointed as described below. The Commission shall be generally representative of the diverse skills, backgrounds, interests, and demography of persons residing in the three counties.
- B. Each member of the Commission shall have a commitment to a health care system which seeks to improve access to high quality health care for all persons, regardless of their economic circumstances, and which in fact delivers high quality care, and which in fact is financially viable. Members of the Commission shall likewise have an abiding commitment to, and interest in, a quality publicly assisted health care delivery system.
- C. The seventeen (17) voting members shall include:
 - (1) Three persons who shall be one member of the Fresno County Board of Supervisors, one member of the Kings County Board of Supervisors, and one member of the Madera County Board of Supervisors.
 - (2) Three persons who shall be the Director of the Department of Public Health or Director of the Department of Social Services of the County of Fresno, the Director of the Department of Public Health or Director of the Department of Social Services of the County of Kings, and the Director of the Department of Public Health or Director of the Department of Social Services of the County of Madera.
 - (3) Four persons appointed by the Fresno County Board of Supervisors who are representative of the interests of physician providers of Medi-Cal covered health care services, health care consumers, community representatives, or community clinics; one person appointed by the Kings County Board of Supervisors who is representative of the interests of physician providers of Medi-Cal covered health care services, health care consumers, community representatives, or community clinics; and one person appointed by the Madera County Board of Supervisors who is representative of the interests of physician providers of Medi-Cal covered health care services, health care consumers, community representatives, or community clinics.
 - (4) Three persons appointed by the Commission who are representative of the interests of health care consumers, providers of pharmacy services or other health care services, or other person with the commitment as stated in subsection B, above.

- (5) One person shall be a representative of the Children's Hospital of Central California, and one person shall be a representative of the Community Regional Medical Center. The designation of these two members shall be made by their respective facilities, subject to confirmation by the Commission. The Commission may, in its discretion, reject any person designated by the Hospital or Medical Center and request additional designations.
- D. Commission members designated for appointment by a county Board of Supervisors shall be appointed by majority vote of the Board of Supervisors of the respective County. Any Commission member so appointed may be removed from office by a majority vote of the Board of Supervisors of the County originally appointing that member.
- E. Appointments to be made by the Health Authority shall be nominated, selected, replaced or removed, as may be necessary, in accordance with the JPA and the bylaws adopted by a majority of the voting members of the Health Authority.
- F. Except as provided in subsection 2.91.030(G) herein, all Health Authority members except members appointed pursuant to 2.91.030(C)(1) and 2.91.030(C)(2) shall serve terms of three years. Terms for Health Authority members appointed pursuant to 2.91.030(C)(1) and 2.90.030(C)(2) shall be coterminous with their position unless the appointing Board of Supervisors replaces such member on its own motion.
- G. Initial selections of Health Authority members other than members appointed pursuant to 2.91.030(C)(1) and 2.91.030(C)(2) will be for one-, two- or three-year terms in order to establish a rotation of member appointments. Once the initial term is fulfilled, the appointing party shall make succeeding appointments for a full three-year term. At the conclusion of a term, a member may be reappointed to a subsequent three-year term or terms. Initial selection terms will be as follows:
- (1) One regional representative from Children's Hospital of Central California; and one regional representative from Community Regional Medical Center, pursuant to subsection 2.91.030(C)(5) above, will be appointed to three-year terms.
- (2) Two members to be appointed by the Fresno County Board of Supervisors and one member to be appointed by the Authority, pursuant to subsections 2.91.030(C)(3) and 2.91.030(C)(4) above, shall be appointed for an initial term of one year each. Such one-year term shall be identified in the appointment.
- (3) One member to be appointed by the Fresno County Board of Supervisors, one member to be appointed by the Madera County Board of Supervisors and one member to be appointed by the Authority, pursuant to subsections 2.91.030(C)(3) and 2.91.030(C)(4)

above, shall be appointed for an initial term of two years each. Such two-year term shall be identified in the appointment.

- (4) One member to be appointed by the Fresno County Board of Supervisors, one member to be appointed by the Kings County Board of Supervisors and one member to be appointed by the Authority, pursuant to subsections 2.91.030(C)(3) and 2.91.030(C)(4) above, shall be appointed for an initial term of three years each. Such three-year term shall be identified in the appointment.

2.91.040 Bylaws.

Procedures for the conduct of business not otherwise specified in this Chapter, including provisions for the creation of standing committees, shall be contained in the JPA and in bylaws adopted by the Health Authority.

2.91.050 Quorum.

A majority of the appointed members of the Health Authority shall constitute a quorum, and no act of the Health Authority shall be valid unless a majority of those members appointed and not disqualified from voting due to a conflict of interest concur therein. Any act of the Health Authority shall be accomplished by a roll call vote when such a vote is requested by any member in attendance.

2.91.060 Status and Powers of the Health Authority.

The Health Authority shall be considered an entity separate from the County of Fresno, the County of Kings, and the County of Madera. The Health Authority shall have the power to acquire, possess, and dispose of real or personal property, as may be necessary for the performance of its functions, to employ personnel and contract for services to meet its obligations, and to sue or be sued. Any obligations of the Health Authority, contractual, or otherwise, shall be the obligations solely of the Health Authority and shall not be the obligations of either the County of Fresno, the County of Kings, or the County of Madera.

2.91.070 Minutes.

Official minutes recording motions entertained and actions taken at each meeting of the Health Authority shall be prepared and submitted to each respective Board of Supervisors and County Administrative Office in each County.

2.91.080 County Financial Assistance to Health Authority.

The Counties of Fresno, Kings, and Madera may advance to the Health Authority limited financial and/or in-kind support for reasonable costs associated with planning, development, and health Authority administration provided that the Health Authority agrees to reimburse each county for that funding according to a mutually agreed schedule of repayment once operations begin.

2.91.090 Reports.

- A. The Commission shall submit an annual report to each respective board of supervisors and county administrative office on or before January 31st of each year and subsequently filed with the Clerk of each respective Board of Supervisors. The report shall highlight the activities, accomplishments and future goals of the Health Authority.
- B. Any of the respective boards of supervisors may request the Commission to submit progress reports and recommendations at any time. The Commission shall respond to such requests within a reasonable period of time.

2.91.100 Vacancies.

- A. Vacancies occurring on the Commission, for appointments pursuant to subsection 2.91.030(C)(3), shall be filled by the Board of Supervisors of the appointing county for the remainder of the unexpired term only. Vacancies occurring on the Commission, for appointments pursuant to subsections 2.91.030(C)(1) or 2.91.030(C)(2), shall be filled by the Board of Supervisors of the appointing county and for a term pursuant to subsection 2.91.030(F).
- B. Vacancies occurring on the Commission, for appointments subject to Commission approval, shall be filled by the Health Authority in accordance with its bylaws and applicable provisions of State law.

2.91.110 Validity.

If any section, subsection, paragraph, sentence, clause, phrase, or portion of this Ordinance or Chapter is for any reason held to be invalid or unconstitutional by any court of law with proper jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or Chapter. The Board of Supervisors hereby declares that it would have adopted this Ordinance and Chapter, and each section, subsection, paragraph, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, paragraph, sentences, clauses, phrases, or portion thereof be declared invalid or unconstitutional.

2.91.120 Implementation. This Ordinance shall be implemented only when and if each of the counties duly approve and execute a joint powers agreement creating the Health Authority as a separate entity.

SECTION 2

This Ordinance shall become effective and be in full force thirty (30) days from enactment.

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The foregoing Ordinance was adopted this _____ day of _____,
2009, by the following vote:

Supervisor Bigelow voted: _____

Supervisor Moss voted: _____

Supervisor Dominici voted: _____

Supervisor Rodriguez voted: _____

Supervisor Wheeler voted: _____

Chairman, Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

Approved as to Legal Form:
COUNTY COUNSEL

By _____